

DOCKET FILE COPY ORIGINAL

BEFORE THE

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Federal Communications Commission RECEIVED

[REDACTED]

- (b) The original signed Declaration of Mr. Fitzgerald, a facsimile of which is contained in Exhibit B of the Supplement to Joint Request.
- (c) The original signed Declaration of LTA President John W. Gainey III, a facsimile of which is contained in Exhibit C of the Supplement to Joint Request.
- (d) An original signed Certificate of Amendment by Mr. Gainey, a facsimile of which is appended to the Supplement to Satellite Request.
- (e) An original signed Declaration by Millard S. Younts, a facsimile of which is contained in Exhibit F of the Supplement to Satellite Request.
- (f) An original signed page 4 of a Declaration by Mr.

-7-

With a copy to:

Gregg Skall, Esq.
Pepper & Corazzini
1776 K Street, N.W.
Suite 200
Washington, D.C. 20006

or to such other address or to such other person as either party may designate by notice given in writing. Any notice, request, statement, or other communication will be deemed to have been given three days after it was mailed.

IN WITNESS WHEREOF, the Parties have affixed their signatures to this Agreement on the date(s) indicated below.

LOCAL TELEVISION ASSOCIATES, INC.

John W. Gainey III
President

Date: April __, 1993

CHARLES FITZGERALD

Charles E. Fitzgerald
Charles Fitzgerald

Date: April __, 1993

DECLARATION

I, Charles Fitzgerald, hereby declare under penalty of perjury:

1. I am an applicant for a new UHF television station at Jacksonville, North Carolina.

2. I have reached a settlement with Local Television Associates, Inc. ("LTA"), by which LTA will reimburse me for the expenses which I have legitimately and prudently incurred in the preparation, prosecution and settlement negotiations relating to my application. Other than as set forth in the Agreement with LTA, I have neither been promised nor paid for any additional compensation for the dismissal of my application.

3. My application was not filed for purposes of reaching a settlement. Instead, at the time I filed the application, I had wanted to build and operate a television station in Jacksonville.

4. However, as the process of prosecution of my application proceeded, I began to learn more about the changing economics of the television marketplace. Given the competition in the market in which the Jacksonville station would operate from another new station (WYDO, Greenville, North Carolina) and recent political developments which indicate that military spending on which the Jacksonville area is so dependent will likely be reduced substantially, I now believe that the best use of this allocation would be in conjunction with another nearby station.


5. LTA contacted me to inquire about settlement. I instructed my attorney to see if a settlement of this proceeding could be worked out in a way that allowed a new station to be

constructed in Jacksonville in a way which made maximum economic sense. After discussion, we decided to proceed in the manner set forth in the Settlement Agreement filed on February 1, 1993, where I would acquire an interest in a company which would operate the station as a satellite of LTA's station, WFXI(TV), Morehead City, North Carolina.

6. Since the filing of the February 1, 1993, Settlement Agreement, I have had further discussions. After review of the economic data collected for presentation to justify the satellite operation of this station, I have become convinced that the economics of the station will be extremely difficult as a stand-alone facility in Jacksonville. Thus, I have decided to seek dismissal of my application in exchange for reimbursement of my expenses, rather than participating with LTA in construction of the station.

7. A summary of my expenses are set out in pages attached to this Declaration. I certify that these expenses were legitimately incurred in connection with my application.

8. The foregoing is true and correct to the best of my knowledge and belief.

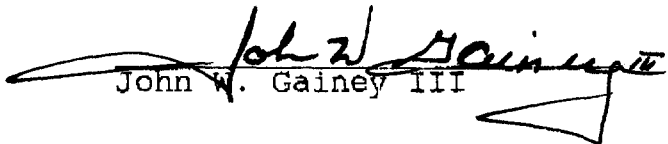

Charles Fitzgerald

Dated: April 6, 1993

DECLARATION

I, John W. Gainey III, hereby declare under penalty of perjury:

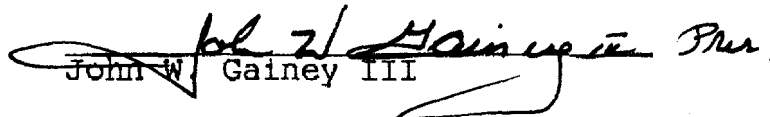
1. I am President of Local Television Associates, Inc. ("LTA"), an applicant for a new television station at Jacksonville, North Carolina.
2. LTA has reached an Amended Settlement Agreement with Charles Fitzgerald. Pursuant to that agreement, Mr. Fitzgerald will dismiss his application in exchange for reimbursement of expenses by LTA.
3. Other than the consideration as set forth in that agreement, LTA has neither promised nor paid any other consideration to Mr. Fitzgerald to induce him to dismiss his application.
4. LTA did not file its application for purposes of reaching a settlement.
5. Grant of the settlement will be in the public interest as it will allow Mr. Fitzgerald to receive reimbursement of his expenses, while rapidly initiating a first television service to Jacksonville, North Carolina in the only way that is economically feasible.
6. The foregoing is true and correct to the best of my knowledge and belief.


John W. Gainey III

Date: April 6, 1993

CERTIFICATE OF AMENDMENT

I, John W. Gainey III, hereby amend the pending application
of Local Television Associates, Inc. for a new television station
at Jacksonville, North Carolina with the attached material.


John W. Gainey III

Date: April 6, 1993

DECLARATION OF MILLARD S. YOUNTS

I, Millard S. Younts, hereby declare as follows:

1. I am the President of Media Services Group, Inc., a company which specializes in media brokerage, appraisals, financing and consultation. My company's business principally involves the sale and valuation of radio and television properties.

2. On February 1, 1993, I gave a Declaration in connection with a "Petition for Leave to Amend and Request for Authority for Satellite Operation" filed by Local Television Associates, Inc. in connection with a proceeding for a new television station on Channel 35 in Jacksonville, North Carolina. In that Declaration, I stated that, in my expert opinion, no informed and rational businessperson would be interested in the operation of a new, stand-alone UHF station in the Greenville-New Bern-Washington, North Carolina television market, where the new Jacksonville station would be located. This Declaration is intended to provide further detail with respect to my prior declaration.

3. I have been in the business of media brokerage for the

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-2-

Broadcasters, the National Association of Media Brokers, the Broadcast Cable Financial Management Association, and numerous state broadcaster associations.

4. My brokerage experience with the Greenville-New Bern-Washington, North Carolina market has been extensive. During my career I have been involved in the sale, attempted sale and/or valuation of 15 radio and television properties in this market, spanning back some ten years. My family has owned a radio station in this market, and I am currently selling both radio and television properties in the market. Moreover, I am a North Carolina native, I have lived in the Greenville-New Bern-Washington, North Carolina market, and my family owned radio stations in North Carolina for 36 years. For all these reasons, I am very familiar with the Greenville-New Bern-Washington market generally, as well as broadcast industry conditions there.

5. Over the past six months I have been involved in informal attempts to sell two television stations in the Greenville-New Bern-Washington market. Obviously, I cannot be specific about the stations involved or the persons with whom I have been in contact, as this would divulge confidential business information. I can say, however, that two commercial television stations in the market have been offered by my company as possibly being for sale. We have made preliminary contacts with approximately 12 persons with respect to the sale of these stations. At this point none of these inquiries has ripened into a sale, an expression of interest to buy, or a formal offer. We

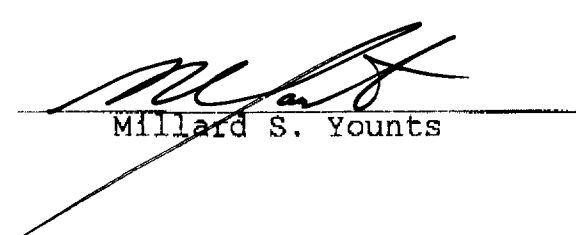
-3-

have numerous contacts with persons in the industry, or groups who have expressed an interest in entering into the business. However, none has expressed a serious interest in the stations. The trading environment is presently slow due to a lack of interest from investors, as well as the lack of bank financing for unprofitable single stations or start-up television properties in smaller markets.

6. The lack of interest in purchasing an existing television station in the market is, in my opinion, enough basis on which to conclude that no prudent person would wish to build or operate a new UHF station in this market. Nonetheless, in order to support my opinion further, I inquired of four of our firm's industry contacts, including two with experience in the Greenville-New Bern-Washington market, as to whether there was any interest among prospective purchasers in a new UHF stand-alone station in the market. None of these contacts elicited any interest whatsoever. The parties I contacted indicated that the size of the market is too small, and the television advertising revenue is insufficient, to support a new UHF independent television facility.

I declare under penalty of perjury that the foregoing facts are true and correct.

Dated:

4/6/93

Millard S. Younts

at least one of the other stations in the market is also for sale, principally due to the poor market performance.

7) With these factors in mind, it is our belief that the only way that a Jacksonville station can survive is to operate it as a satellite of an existing facility in the market. This would also have the effect of ensuring the long term viability of WFXI, by providing it coverage in the southern portion of the geographically large Greenville-New Bern-Washington ADI. As a satellite, we would provide independent programming on the

CERTIFICATE OF SERVICE


I, Valerie A. Mack, hereby certify that I have this 8th day of April, 1993, mailed by first class United States mail, postage prepaid, copies of the foregoing "SUPPLEMENT" to the following:

*Joseph Chachkin
Administrative Law Judge
Federal Communications Commission
2000 L Street, N.W., Room 226
Washington, D.C. 20554

*Robert Zauner, Esq.
Hearing Branch, Mass Media Bureau
Enforcement Division
Federal Communications Commission
2025 M Street, N.W., Room 7212
Washington, D.C. 20554

Gregg P. Skall, Esq.
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1776 K Street, N.W.
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(Counsel to Charles Fitzgerald)

Dennis F. Begley, Esq.
Reddy, Begley & Martin
1001 22nd Street, N.W.
Suite 350
Washington, D.C. 20037
(Counsel to Webber/Moore Broadcasting,
Limited Partnership)


Valerie A. Mack

*Hand Delivered